

ESTTA Tracking number: **ESTTA286376**

Filing date: **05/28/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185310
Party	Defendant Weems Industries, Inc. dba Legacy Manufacturing Company
Correspondence Address	BRIAN J. LAURENZO DORSEY & WHITNEY LLP 801 GRAND AVE STE 3900 DES MOINES, IA 50309-2790 UNITED STATES laurenzo.brian@dorsey.com
Submission	Other Motions/Papers
Filer's Name	Brian J. Laurenzo
Filer's e-mail	laurenzo.brian@dorsey.com
Signature	/BJL/
Date	05/28/2009
Attachments	Motionforextensionofanswerperiodwithconsent .pdf (2 pages)(55720 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BIG O TIRES, LLC,

Opposer,

v.

WEEMS INDUSTRIES, INC., dba
LEGACY MANUFACTURING
COMPANY,

Defendant.

) Opposition No.: 91185310

) Mark: LEGACY

) **MOTION FOR AN EXTENSION OF
ANSWER PERIOD WITH CONSENT**

The Defendant's time to Answer is currently set to close on 05/29/2009. Defendant Weems Industries, Inc. dba Legacy Manufacturing Company hereby requests an additional sixty (60) day extension of time to answer, or until 07/28/2009, and that all subsequent dates be reset accordingly.

Time to Answer :	07/28/09
Deadline for Discovery Conference :	08/25/09
Discovery Opens :	08/25/09
Initial Disclosures Due :	09/24/09
Expert Disclosure Due :	01/24/10
Discovery Closes :	02/23/10
Plaintiff's Pretrial Disclosures :	04/09/10
Plaintiff's 30-day Trial Period Ends :	05/23/10
Defendant's Pretrial Disclosures :	06/08/10
Defendant's 30-day Trial Period Ends :	07/23/10
Plaintiff's Rebuttal Disclosures :	08/05/10
Plaintiff's 15-day Rebuttal Period Ends :	09/04/10

Defendant has secured express consent for the above requested extension of time with counsel for Opposer, Big O Tires, LLC, on 05/27/2009. Parties are presently in settlement negotiations.

WHEREFORE, Defendant hereby respectfully requests that this Court grant the instant motion in the present matter for the reasons set forth above.

Date: May 28, 2009



Brian J. Laurenzo

DORSEY & WHITNEY LLP
801 Grand Avenue, Suite 3900
Des Moines, Iowa 50309
Tel: (515) 283-1000
Fax: (515) 283-1060
Email: laurenzo.brian@dorsey.com
ATTORNEY FOR DEFENDANT

Original filed.

CERTIFICATE OF SERVICE

Copy to:

Leesa N. Weiss (lweiss@jhip.com)
Marsha G. Gentner (mgentner@jhip.com)
Jacobson Holman PLLC
400 – 7th Street, N.W.
Washington, D.C. 20004
ATTORNEYS FOR OPPOSER

The undersigned certifies that on May 28, 2009, the foregoing instrument was served upon all parties to the above case and/or to each of the attorneys of record herein at their respective addresses disclosed on the pleadings:

By: Electronic Service **AND/OR**

By: _____	U.S. Mail	_____	FAX
_____	Hand Delivered	_____	Overnight Courier
_____	E-mail	_____	Other _____

/s/ Brian J. Laurenzo